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In the above-identified U.S. patent application, a Final Office Action was issued on February 22, 2007. Applicant filed a Response to such Final Office action on April 23, 2007. On May 11, 2007, an Advisory Action was issued, indicating that:

The proposed amendment introduces at least the newly added limitation "in an inflated state is non-pillowed and spheroidal in shape" that raises new issues and new matter. As to the balloon being spheroidal in shape, the specification, in paragraph 0046, discloses the balloon to be spherical but not spheroidal.

In response to the Advisory Action issued on May 11, 2007 in the above-identified U.S. patent application, enclosed and submitted herewith is a Request for Continued Examination Transmittal (Form PTO/SB/30). Payment of the \$ 395.00 fee (small entity) specified in 37 CFR 1.17(e) for this Request for Continued Examination is authorized in the enclosed Credit Card Payment Form PTO-2038.

In connection with the Request for Continued Examination, entry and consideration of the Response and Declaration filed on April 23, 2007 in response to the February 22, 2007 Final Office Action is hereby requested.

Furthermore, Applicant hereby supplements the Response filed on April 23, 2007 to address the "new matter" issue raised in the May 11, 2007 Advisory Action. In particular, Applicant strenuously disagrees with the examiner's suggestion that new matter has been introduced by the limitation "in an inflated state is non-pillowed and spheroidal in shape."

What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94. See also *Capon v. Eshhar*, 418 F.3d 1349, 1357, 76 USPQ2d 1078, 1085 (Fed. Cir. 2005) ("The 'written description' requirement must be applied in the context of the particular invention and the state of the knowledge.... As each field evolves, the balance also evolves between what is known and what is added by each inventive contribution."). If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate

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description requirement is met. See, e.g., Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 1563, 19 USPQ2d 1111, 1116 (Fed. Cir. 1991); Martin v. Johnson, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating "the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient").

The term "spheroidal" is recognized as the adjectival form of the noun "spheroid," which is defined by Merriam-Webster's Online Dictionary (<http://www.m-w.com/dictionary/spheroidal>) as follows:

Main Entry: **spher-oid** ˈs-fir-oid

Pronunciation: 'sfir-'oid, 'sfer-

Function: *noun*

: a figure resembling a sphere; *also* : an object of approximately spherical shape

Modification of the noun form "spheroid" to the adjective form "spheroidal" would involve elimination of the "figure" or "object" portions of the definitions above, such that the term "spheroidal" would be understood to mean "resembling a sphere" or "of approximately spherical shape."

Turning to the disclosure of the present application, such document states at paragraph [0024] thereof that:

[s]uch methodology may be employed to form a low-pressure balloon article of a **non-pillowed, generally spherical or flattened spherical character**, in which the respective half-sections of the balloon are readily fabricated and mated to form the product balloon article. (Emphasis added.)

Thus, the phrase "generally spherical or flattened spherical" is well-encompassed by the conventional meaning (e.g., see Merriam-Webster's dictionary definition above) of "spheroidal" as "of approximately spherical shape."

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In view of the synonymous character of the term "spheroidal" to the "generally spherical or flattened spherical" disclosure of paragraph [0024], and the settled law that the claim language need not contain the same exact words as the written description (e.g., *Vas-Cath Inc. v. Mahurkar (supra)* and *Martin v. Johnson (supra)*), no new matter issue has been presented by Applicant's claim amendments filed on April 23, 2007.

If any issues remain outstanding, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same.

Respectfully submitted,



Vincent K. Gustafson
Reg. No. 46,182
Attorney for Applicant

INTELLECTUAL PROPERTY/
TECHNOLOGY LAW
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4179-128-RCE

Enclosures:

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